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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Jeremy Thacker,
Plaintiff,
v.
GPS Insight, LLC; Robert Donat,
individually,,
Defendants.

Case No. 2:18-cv-00063-DJH

**PLAINTIFF'S MOTION SEEKING
LEAVE OF COURT TO FILE ONE
CONSOLIDATED MOTION
ADDRESSING UNRESOLVED
DISCOVERY ISSUES AND REQUEST
FOR DISCOVERY SANCTIONS**

(Assigned to Honorable Diana J.
Humetewa)

**(Request for Expedited Ruling and
Evidentiary Hearing)**

Pursuant to the Court's Order (Doc. 69), the parties have now met and conferred (telephonically on July 27 and July 31, 2018) to discuss the 59 issues that Plaintiff, Jeremy Thacker ("Jeremy"), raised in his June 18, 2018 discovery letter to Defendants. The parties resolved some issues but have reached an impasse as to 32 of the 59 issues.

Plaintiffs' Position: In addition to seeking a Court ruling addressing these 32 unresolved issues, we will be seeking sanctions for Defendants' failure to preserve and/or disclose highly relevant information. Pursuant to the Scheduling Order, Jeremy is limited to two pages for discovery disputes. (Doc. 23 p. 4:14-23). Pursuant to the Court's recent minute entry (Doc. 69), the Court granted Jeremy seven pages (with twelve pages of attachments) to explain his position as to any unresolved discovery

1 issues (presently 32 unresolved issues) arising from his June 18, 2018 letter. The Court
2 also gave Jeremy the opportunity to file a 2-page motion (with 5 pages of attachments)
3 addressing his concerns about Defendants' 30(b)(6) witnesses being unprepared to
4 answer the questions about the topics for which they were each designated. (Doc. 69).

5 The unresolved discovery issues (many of which are not addressed in the June 18
6 letter) are so numerous and foundational that Plaintiff seeks guidance from the Court on
7 how to present all of these issues to the Court. Jeremy believes that the most efficient
8 way to present all of the remaining discovery issues is through one consolidated 25-
9 page motion (with 25 pages of attachments). This will afford Jeremy an opportunity to
10 outline the relevant facts and issues in one cohesive motion that outlines the entirety of
11 what we contend are significant discovery violations. Jeremy realizes this is far beyond
12 the two-page (and seven-page) limit, but he believes that this would to be a more
13 efficient approach than filing multiple discovery motions as to each of the many
14 unresolved issues. Jeremy will also be seeking sanctions for Defendants' admitted
15 spoliation of evidence and refusal to produce relevant information, despite repeated
16 requests. This one motion will address all unresolved discovery issues including
17 Jeremy's request for sanctions.

18 Jeremy's seven-page discovery motion is due August 16, 2018. Jeremy therefore
19 seeks an **expedited ruling** addressing this request. Jeremy also requests an evidentiary
20 hearing to address these issues after they have been fully briefed.

21 **Meet and Confer Efforts:** Jeremy's counsel sent an email to defense counsel,
22 Stefan Palys, asking him to provide his response to this discovery motion, as required
23 by the Court's Scheduling Order. Mr. Palys responded via email by stating, "Your
24 motion does not fall within the scope of the judge's joint statement procedure. We will
25 not join in it." Jeremy's counsel then sent a follow up email stating, "In what way does
26 our motion not fall within the scope of her procedure? Please be specific." Mr. Palys
27 responded, "Joint motions are to raise discovery disputes. You're asking to alter briefing
28

procedures.” Mr. Palys then later responded in a separate email, “When you file a motion I will respond to it. I’m not jointly filing one for the reason I already said.”

DATED this 7th day of August, 2018.

Jaburg & Wilk, P.C.

s/Kraig J. Marton

Kraig J. Marton

Jeffrey A. Silence

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Certificate of Service

I hereby certify that on the 7th day of August, 2018, I electronically transmitted the attached document to the Clerk’s Office using the CM/ECF System for filing, and for transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

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s/ Kim Rogers